

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of the Nation
Safe Drivers Employee Stock Ownership
Plan, and on behalf of a class of all other
persons similarly situated,

Plaintiff,

-vs.-

WILMINGTON TRUST, N.A., as successor
to Wilmington Trust Retirement and
Institutional Services Company, ANDREW
SMITH, MICHAEL SMITH, and FRANK
MENNELLA.

Defendants,

and

WILMINGTON TRUST, N.A., as successor
to Wilmington Trust Retirement and
Institutional Services Company.

Third-Party Plaintiff,

v.

STOUT RISIUS ROSS, INC. and
STOUT RISIUS ROSS, LLC,

Third-Party Defendants.

Case No. 19-1193-CFC

**PLAINTIFF'S UNOPPOSED MOTION TO EXCEED
PAGE AND WORD LIMITATIONS WITH RESPECT
TO THE OPENING BRIEF IN SUPPORT OF HER
UNOPPOSED MOTION FOR FINAL APPROVAL OF SETTLEMENT**

Pursuant to Fed. R. Civ. P. 7 and D. Del. LR 7.1.3, Plaintiff Kristina Fink, on behalf of the Nation Safe Drivers Employee Stock Ownership Plan, and on behalf of a class of all other persons similarly situated (the “Plaintiff”), submits this unopposed¹ motion to exceed the page and word limitations set forth in the Local Rules and this Court’s Standing Order for her forthcoming Opening Brief in support of Her Unopposed Motion for Final Approval of Settlement (the “Opening Brief”). In support of her motion, Plaintiff asserts the following:

1. The parties have reached a proposed class settlement of this ERISA Lawsuit.
2. The parties’ proposed settlement comes at a time when the Court has only been presented with Plaintiff’s Complaint and Motion for Preliminary Approval of Settlement.
3. Plaintiff believes that the Court would be aided by a more fulsome account of the dispute and proposed settlement as it weighs finality of the proposed class settlement.
4. D. Del. LR 7.1.3(a)(4) provides that: “No opening or answering brief shall exceed 20 pages, and no reply brief shall exceed 10 pages, in each instance exclusive of any table of contents or table of citations.”

¹ Pursuant to D. Del. LR 7.1.1, the undersigned Delaware counsel states that he contacted opposing counsel and they do not oppose the relief requested herein.

5. This Court's Standing Order Regarding Briefing in All Cases, Page/Word Limitations provides that: "Where page limits are specified by local rule, the parties shall use a word-count limit. For each page allowed by local rule, the parties shall use up to 250 words." (the "Standing Order").

6. The anticipated Opening Brief has approximately 5,731 words. The Opening Brief presents the relevant factual background and legal arguments needed to obtain the Court's final approval of the settlement in this proceeding.

7. Plaintiff respectfully submits that allowing her Opening Brief to exceed the page/word limitations set forth in D. Del. LR 7.1.3(a)(4) and this Court's Standing Order is well-founded because the additional words will assist the Court with its consideration and adjudication of the proposed class settlement.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court enter an order, substantially in the form attached hereto, granting her permission to exceed the page and word limitation set forth in the Local Rule and the Standing Order.

Dated: August 2, 2021

/s/ David A. Felice
David A. Felice (#4090)
BAILEY & GLASSER LLP
Red Clay Center at Little Falls
2961 Centerville Road, Suite 302
Wilmington, DE 19808
Telephone: (302) 504-6333
dfelice@baileyglasser.com

Gregory Y. Porter (*pro hac vice*)
Ryan T. Jenny (*pro hac vice*)
Patrick O. Muench (*pro hac vice*)
BAILEY & GLASSER LLP
1055 Thomas Jefferson St., NW
Suite 540
Washington, DC 20007
Telephone: (202) 463-2101
gporter@baileyglasser.com
rjenny@baileyglasser.com
pmuench@baileyglasser.com

Daniel Feinberg (*pro hac vice*)
FEINBERG, JACKSON, WORTHMAN &
WASOW LLP
2030 Addison Street, Suite 500
Berkeley, CA 94704
Telephone: (510) 269-7998
dan@feinbergjackson.com

Attorneys for Plaintiff and the Class